

Title 32: PROFESSIONS AND OCCUPATIONS

Chapter 22: AMERICAN SIGN LANGUAGE, ENGLISH INTERPRETERS AND TRANSLITERATORS HEADING: PL 1997, c. 749, §3 (new)

Table of Contents

Section 1521. DEFINITIONS.....	3
Section 1522. COMMISSIONER; POWERS AND DUTIES.....	4
Section 1523. PRIVILEGED COMMUNICATION.....	4
Section 1524. REQUIREMENTS FOR LICENSURE; LIMITED INTERPRETER AND LIMITED TRANSLITERATOR.....	5
Section 1524-A. REQUIREMENTS FOR LICENSURE; LIMITED DEAF INTERPRETER.....	6
Section 1524-B. REQUIREMENTS FOR LICENSURE; CERTIFIED INTERPRETER, CERTIFIED DEAF INTERPRETER AND CERTIFIED TRANSLITERATOR.....	7
Section 1525. LICENSE REQUIRED.....	7
Section 1525-A. EXEMPTIONS TO LICENSURE.....	8
Section 1526. TEMPORARY REGISTRATION (REPEALED).....	8
Section 1527. APPLICATIONS FOR LICENSURE; FEES.....	8
Section 1528. RENEWAL.....	8
Section 1528-A. CONTINUING EDUCATION.....	9
Section 1529. VIOLATIONS.....	9
Section 1530. DENIAL OR REFUSAL TO RENEW LICENSE; DISCIPLINARY ACTION.....	9
Section 1531. DISCLOSURE.....	9
Section 1532. CONVERSION OF REGISTRANTS TO LIMITED LICENSEES (REPEALED).....	10

Maine Revised Statutes

Title 32: PROFESSIONS AND OCCUPATIONS

Chapter 22: AMERICAN SIGN LANGUAGE, ENGLISH INTERPRETERS AND TRANSLITERATORS HEADING: PL 1997, c. 749, §3 (new)

§1521. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1997, c. 749, §3 (NEW).]

1. Commissioner. "Commissioner" means the Commissioner of Professional and Financial Regulation.

[1997, c. 749, §3 (NEW) .]

1-A. Deaf interpreter. "Deaf interpreter" means a person whose sense of hearing is nonfunctional for the purpose of communication, whose primary means of communication is visual or tactile and who provides intermediary interpreting.

[1999, c. 399, §3 (NEW); 1999, c. 399, §20 (AFF) .]

2. Deaf person. "Deaf person" means a person whose sense of hearing is nonfunctional for the purpose of communication and whose primary means of communication is visual or tactile.

[1999, c. 399, §4 (AMD); 1999, c. 399, §20 (AFF) .]

3. Department. "Department" means the Department of Professional and Financial Regulation.

[1997, c. 749, §3 (NEW) .]

4. Hard-of-hearing person. "Hard-of-hearing person" means a person who has a functional hearing deficit, who may or may not primarily use visual communication and who may or may not use assistive devices.

[1997, c. 749, §3 (NEW) .]

5. Interpreting. "Interpreting" means the process when a linguistic intermediary between a deaf or hard-of-hearing person and another person translates the spoken utterances or signs, gestures or writing of either person into a linguistic form other than that which that person uses as a primary and preferred form of communication. For the purposes of this chapter, "interpreting" or "transliterating" does not mean communication using cued speech.

[1999, c. 399, §5 (AMD); 1999, c. 399, §20 (AFF) .]

6. Interpreter or transliterator. "Interpreter or transliterator" means a person who provides any of the following services:

A. English-based transliterating, which includes but is not limited to conveying a message by visible representations of the English language such as manually coded English and oral transliteration. This process conveys information from one mode of English to another mode of English; [1997, c. 749, §3 (NEW) .]

B. American Sign Language-based interpreting, which is the process of conveying information between American Sign Language and English; or [1997, c. 749, §3 (NEW) .]

C. Intermediary interpreting, which means interpreting services rendered by a deaf interpreter to facilitate communication between another deaf person and another licensed interpreter or between 2 or more deaf persons. [1999, c. 399, §6 (AMD); 1999, c. 399, §20 (AFF).]

[1999, c. 399, §20 (AMD); 1999, c. 399, §6 (AMD) .]

SECTION HISTORY

1997, c. 749, §3 (NEW). 1999, c. 399, §§3-6 (AMD). 1999, c. 399, §20 (AFF).

§1522. COMMISSIONER; POWERS AND DUTIES

The commissioner has the following powers and duties in addition to other powers and duties set forth in this chapter. [1997, c. 749, §3 (NEW).]

1. Rules. The commissioner may adopt rules in accordance with the Maine Administrative Procedure Act necessary to carry out the purposes of this chapter. Rules adopted under this chapter are routine technical rules pursuant to Title 5, section 8071.

[1997, c. 749, §3 (NEW) .]

2. Licensure. The commissioner shall license a person who has successfully complied with the application process established by the department, paid the required fees established by the department under sections 1527 and 1528 and met the qualifications for licensure as set forth in section 1524. The commissioner shall make available, at cost, a directory that contains the names of all individuals licensed pursuant to this chapter.

[1999, c. 399, §7 (AMD); 1999, c. 399, §20 (AFF) .]

3. Employees.

[2007, c. 402, Pt. K, §1 (RP) .]

4. Advisory council. The commissioner, as necessary, may select members of the interpreting profession and other interested parties to serve on an advisory council to advise and consult with the commissioner concerning the regulation of interpreters for the deaf and hard-of-hearing. Service on the council is not in itself a conflict of interest regardless of the occupations or associations of the members.

[1999, c. 399, §8 (NEW); 1999, c. 399, §20 (AFF) .]

SECTION HISTORY

1997, c. 749, §3 (NEW). 1999, c. 399, §§7,8 (AMD). 1999, c. 399, §20 (AFF). 2007, c. 402, Pt. K, §1 (AMD).

§1523. PRIVILEGED COMMUNICATION

Individuals licensed under this chapter are included under the evidentiary communications privilege outlined in Title 5, section 48-A, subsection 5. [2003, c. 685, §3 (AMD).]

SECTION HISTORY

1997, c. 749, §3 (NEW). 1999, c. 399, §9 (AMD). 1999, c. 399, §20 (AFF). 2003, c. 685, §3 (AMD).

§1524. REQUIREMENTS FOR LICENSURE; LIMITED INTERPRETER AND LIMITED TRANSLITERATOR

To be eligible for licensure as a limited interpreter or limited transliterator under this chapter, an applicant must be at least 18 years of age and must provide the following: [1999, c. 399, §10 (AMD); 1999, c. 399, §20 (AFF).]

1. High school diploma. Proof of a high school diploma or the equivalent;

[1997, c. 749, §3 (NEW) .]

2. References.

[1999, c. 399, §20 (AFF); 1999, c. 399, §10 (RP) .]

3. Sworn statement.

[2007, c. 402, Pt. K, §2 (RP) .]

4. Proof of education and training in American Sign Language. Except as provided in this section, written proof of the applicant's education and training in American Sign Language, consisting of either:

A. Proof of completion of at least 100 clock hours of instruction in American Sign Language conducted by:

- (1) An instructor recognized by the American Sign Language Teachers Association, or a comparable or successor organization recognized by the commissioner;
- (2) An interpreter certified by either the Registry of Interpreters for the Deaf, Inc. or the National Association of the Deaf, Inc., or a comparable or successor organization of either recognized by the commissioner; or
- (3) An instructor of courses conducted through an accredited college, accredited university or accredited or approved high school or conducted by certification maintenance course sponsors approved by the Registry of Interpreters for the Deaf, Inc. or the National Association of the Deaf, Inc., or a comparable or successor organization of either recognized by the commissioner; or [1999, c. 399, §10 (NEW); 1999, c. 399, §20 (AFF).]

B. Submission of a letter attesting that the applicant's skill level is equivalent to a person who has completed 100 hours of instruction in American Sign Language. The letter must be prepared and signed by:

- (1) An instructor recognized by the American Sign Language Teachers Association, or a comparable or successor organization recognized by the commissioner;
- (2) An interpreter certified by either the Registry of Interpreters for the Deaf, Inc. or the National Association of the Deaf, Inc., or a comparable or successor organization of either recognized by the commissioner; or
- (3) An instructor of courses conducted through an accredited college, accredited university or accredited or approved high school or conducted by certification maintenance course sponsors approved by the Registry of Interpreters for the Deaf, Inc. or the National Association of the Deaf, Inc., or a comparable or successor organization of either recognized by the commissioner; and [1999, c. 399, §10 (NEW); 1999, c. 399, §20 (AFF).]

[2005, c. 267, §1 (AMD) .]

5. Proof of education and training in interpreting process. Except as provided in this section, written proof of completion of at least 100 clock hours of instruction in the interpreting process, which must include instruction in deaf culture and the ethics of interpreting, conducted through an accredited college, accredited university or accredited or approved high school or conducted by certification maintenance course sponsors approved by the Registry of Interpreters for the Deaf, Inc. or the National Association of the Deaf, Inc., or a comparable or successor organization of either recognized by the commissioner. Credit may not be given for interpreting process clock hours that were completed prior to 5 years from the date of application.

[2005, c. 267, §1 (AMD) .]

As an alternative to satisfying subsections 4 and 5, an applicant for licensure as a limited interpreter or limited transliterator may submit documentation of a score of 3.5 or higher on the Educational Interpreter Performance Assessment, or successor assessment. [2005, c. 267, §1 (NEW) .]

SECTION HISTORY

1997, c. 749, §3 (NEW). 1999, c. 399, §10 (AMD). 1999, c. 399, §20 (AFF). 2005, c. 267, §1 (AMD). 2007, c. 402, Pt. K, §2 (AMD).

§1524-A. REQUIREMENTS FOR LICENSURE; LIMITED DEAF INTERPRETER

To be eligible for licensure as a limited deaf interpreter under this chapter, an applicant must be at least 18 years of age and must provide the following: [1999, c. 399, §11 (NEW); 1999, c. 399, §20 (AFF) .]

1. High school diploma. Proof of a high school diploma or the equivalent;

[1999, c. 399, §11 (NEW); 1999, c. 399, §20 (AFF) .]

2. Sworn statement.

[2007, c. 402, Pt. K, §3 (RP) .]

3. Proof of education and training in American Sign Language. Written proof of the applicant's education and training in American Sign Language, consisting of a letter attesting that the applicant's skill level is equivalent to a person who has completed 100 hours of instruction in American Sign Language. The letter must be prepared and signed by:

A. An instructor recognized by the American Sign Language Teachers Association, or a comparable or successor organization recognized by the commissioner; [1999, c. 399, §11 (NEW); 1999, c. 399, §20 (AFF) .]

B. An interpreter certified by either the Registry of Interpreters for the Deaf, Inc. or the National Association of the Deaf, Inc., or a comparable or successor organization of either recognized by the commissioner; or [1999, c. 399, §11 (NEW); 1999, c. 399, §20 (AFF) .]

C. An instructor of courses conducted through an accredited college, accredited university or accredited or approved high school or conducted by certification maintenance course sponsors approved by the Registry of Interpreters for the Deaf, Inc. or the National Association of the Deaf, Inc., or a comparable or successor organization of either recognized by the commissioner; and [1999, c. 399, §11 (NEW); 1999, c. 399, §20 (AFF) .]

[1999, c. 399, §11 (NEW); 1999, c. 399, §20 (AFF) .]

4. Proof of education and training in the interpreting process. Written proof of completion of at least 100 clock hours of instruction in the interpreting process, which must include instruction in deaf culture and the ethics of interpreting, conducted through an accredited college, accredited university or accredited or approved high school or conducted by certification maintenance course sponsors approved by the Registry

of Interpreters for the Deaf, Inc. or the National Association of the Deaf, Inc., or a comparable or successor organization of either recognized by the commissioner. Credit may not be given for interpreting process clock hours that were completed prior to 5 years from the date of application.

[1999, c. 399, §11 (NEW); 1999, c. 399, §20 (AFF) .]

As an alternative to satisfying subsections 3 and 4, an applicant for licensure as a limited deaf interpreter may submit documentation of a score of 3.5 or higher on the Educational Interpreter Performance Assessment, or successor assessment. [2007, c. 402, Pt. K, §4 (NEW).]

SECTION HISTORY

1999, c. 399, §11 (NEW). 1999, c. 399, §20 (AFF). 2007, c. 402, Pt. K, §§3, 4 (AMD).

§1524-B. REQUIREMENTS FOR LICENSURE; CERTIFIED INTERPRETER, CERTIFIED DEAF INTERPRETER AND CERTIFIED TRANSLITERATOR

To be eligible for licensure as a certified interpreter, certified deaf interpreter or certified transliterator under this chapter, an applicant must be at least 18 years of age and must provide the following: [1999, c. 399, §11 (NEW); 1999, c. 399, §20 (AFF).]

1. High school diploma. Proof of a high school diploma or the equivalent; and

[2009, c. 112, Pt. A, §6 (AMD) .]

2. Sworn statement.

[2009, c. 112, Pt. A, §7 (RP) .]

3. Proof of certification. Documented proof of certification by the Registry of Interpreters for the Deaf, Inc., documented proof of a minimum certification level of 4 from the National Association of the Deaf, Inc. or comparable certification by a comparable or successor organization recognized by the commissioner.

[1999, c. 399, §11 (NEW); 1999, c. 399, §20 (AFF) .]

SECTION HISTORY

1999, c. 399, §11 (NEW). 1999, c. 399, §20 (AFF). 2009, c. 112, Pt. A, §§6, 7 (AMD).

§1525. LICENSE REQUIRED

After June 30, 2000, a person may not provide interpreting services as defined in this chapter for compensation or remuneration unless properly licensed in accordance with this chapter. [1999, c. 399, §12 (AMD); 1999, c. 399, §20 (AFF).]

SECTION HISTORY

1997, c. 749, §3 (NEW). 1999, c. 399, §12 (AMD). 1999, c. 399, §20 (AFF).

§1525-A. EXEMPTIONS TO LICENSURE

1. Nonresident interpreters. This chapter does not apply to interpreters who are residents of a jurisdiction other than this State and who do not interpret for compensation or remuneration in the State for more than 160 hours per year. Service during declared state or national emergencies does not count toward the 160 hours per year limitation.

[1999, c. 399, §13 (NEW); 1999, c. 399, §20 (AFF) .]

2. Medical emergencies. This chapter does not apply to a person providing communication assistance during a medical emergency. For purposes of this subsection, "medical emergency" is when a person's medical condition could be significantly compromised by delaying assessment and treatment.

[1999, c. 399, §13 (NEW); 1999, c. 399, §20 (AFF) .]

SECTION HISTORY

1999, c. 399, §13 (NEW). 1999, c. 399, §20 (AFF).

§1526. TEMPORARY REGISTRATION

(REPEALED)

SECTION HISTORY

1997, c. 749, §3 (NEW). 2007, c. 402, Pt. K, §5 (RP).

§1527. APPLICATIONS FOR LICENSURE; FEES

The Director of the Office of Professional and Occupational Regulation within the department may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that an application fee may not exceed \$50, an initial license fee may not exceed \$325 and an applicant who is deaf must pay an initial license fee of \$100. An applicant for initial licensure, pursuant to section 1524, 1524-A or 1524-B, shall submit a written application with supporting documents to the department. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [2007, c. 402, Pt. K, §6 (AMD); 2011, c. 286, Pt. B, §5 (REV).]

SECTION HISTORY

1997, c. 749, §3 (NEW). 1999, c. 399, §14 (AMD). 1999, c. 399, §20 (AFF). 2005, c. 267, §2 (AMD). 2007, c. 402, Pt. K, §6 (AMD). 2011, c. 286, Pt. B, §5 (REV).

§1528. RENEWAL

All licenses must be renewed annually on or before June 30th of each year or at such other time as the commissioner may designate. A license not renewed by June 30th automatically expires. The department may renew an expired license if the renewal application is returned within 90 days after the license expiration date and upon payment of a late fee as set under section 1527 in addition to the renewal fee as set under section 1527. A person who submits an application for renewal more than 90 days after the license expiration date is subject to all requirements governing new applicants under this chapter. [2007, c. 402, Pt. K, §7 (AMD) .]

SECTION HISTORY

1997, c. 749, §3 (NEW). 1999, c. 399, §14 (AMD). 1999, c. 399, §20 (AFF). 2005, c. 267, §3 (AMD). 2007, c. 402, Pt. K, §7 (AMD).

§1528-A. CONTINUING EDUCATION

1. Limited interpreters. An application for renewal of a limited interpreter, limited transliterator or limited deaf interpreter license must show proof of completion of at least 20 hours annually of continuing education in American Sign Language or the interpreting process.

[2005, c. 267, §4 (AMD) .]

2. Certified interpreters. An applicant for renewal of a certified interpreter, certified deaf interpreter or certified transliterator license is not required to show proof of continuing education, but is required to show proof of continued certification by either the Registry of Interpreters for the Deaf, Inc. or the National Association of the Deaf, Inc., or a comparable or successor organization of either recognized by the commissioner.

[1999, c. 399, §15 (NEW); 1999, c. 399, §20 (AFF) .]

SECTION HISTORY

1999, c. 399, §15 (NEW). 1999, c. 399, §20 (AFF). 2005, c. 267, §4 (AMD).

§1529. VIOLATIONS

A person who violates section 1525 is subject to the provisions of Title 10, section 8003-C. [2007, c. 402, Pt. K, §8 (AMD).]

SECTION HISTORY

1997, c. 749, §3 (NEW). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 2007, c. 402, Pt. K, §8 (AMD).

§1530. DENIAL OR REFUSAL TO RENEW LICENSE; DISCIPLINARY ACTION

In addition to the grounds enumerated in Title 10, section 8003, subsection 5-A, paragraph A, the department may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A upon a medical finding of mental incompetency. [2007, c. 402, Pt. K, §9 (RPR).]

SECTION HISTORY

RR 1997, c. 2, §54 (COR). 1997, c. 749, §3 (NEW). 1999, c. 399, §16 (AMD). 1999, c. 399, §20 (AFF). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 2007, c. 402, Pt. K, §9 (RPR).

§1531. DISCLOSURE

All interpreters licensed pursuant to this chapter shall disclose their license category with specific certifications held and any postsecondary degrees to consumers and to the person or persons engaging the interpreter's services. The content and form of the disclosure must be developed by the department pursuant to rule-making provisions of the Maine Administrative Procedure Act. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [2005, c. 267, §5 (AMD).]

SECTION HISTORY

1999, c. 399, §17 (NEW). 1999, c. 399, §20 (AFF). 2005, c. 267, §5 (AMD).

§1532. CONVERSION OF REGISTRANTS TO LIMITED LICENSEES**(REPEALED)**

SECTION HISTORY

1999, c. 399, §17 (NEW). 1999, c. 399, §20 (AFF). 2005, c. 267, §6 (RP).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 126th Maine Legislature and is current through August 1, 2014. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.